

REMARKS

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

Claim Rejections -35 USC § 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph for certain informalities. Claim 1 has been amended to remove informalities.

Claim Rejections -35 USC § 103

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal in view of Benveniste (US 2004/0264397 A1). Applicants respectfully traverse these rejections.

In rejecting claim 1, the Examiner has stated that “wherein the access point originates and transmits to the one or more stations information having a transmission order (Col 3, lines 35-36) based on the receiving power consumption (**is interpreted as the battery power level** of mobile terminals received by the access point/ base station)” (emphasis added). Applicants respectfully point to the Examiner that the Examiner’s assumption is not correct. Claim 1 clearly recites transmission order based on receiving **power consumption**, which is completely different than **power level** of a receiver. A receiver may have a low power level and consume high power in receiving a packet and vice versa a receiver may have high power level and may consume less power in receiving the same packet. The power level of a receiving battery is different than the amount of power that may be consumed in receiving a particular packet. Accordingly, the assumption that a battery power level is same as the power consumption for receiving a packet is not correct. Thus, claim 1 and those depend therefrom are clearly and patentably distinguishable from the combination of cited references.

Claims 2-10 depend from claim 1 and are patentably distinguishable from the combination of cited references for at least the same reasons as claim 1.

Claims 11, 12, 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundby et al. (hereinafter Lundby) in view of Van Bokhorst et al. (hereinafter Van Bokhorst). Applicants respectfully traverse these rejections.

In rejecting claim 11, the Examiner has stated that Lundby et al. discloses "determining a priority queue ordering (establish transmission schedule) of the transmissions based on the receiving power consumption calculated for each station (the mobile stations are scheduled for transmission with respect to received signal strength) (Col 5, lines 10-17, 54-57);" (emphasis added).

Again, Applicants respectfully point to the Examiner that signal strength received at a terminal is not the same as power consumed in receiving a packet. These are two completely different concepts. Claim 11 recites determining power consumption and not the signal strength of received signal. The combination of cited references does not teach this limitation. Accordingly, claim 11 and those depend therefrom are completely, clearly, and patentably distinguishable from the combination of cited references.

Claims 12-19 depend from claim 11 and are patentably distinguishable from the combination of cited references for at least the same reasons as claim 1.

Applicant believes this application and the claims herein to be in a condition for allowance. Please charge any additional fees, or credit overpayment to Deposit Account No. 20-0668. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted,



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